

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**DAVID M. RATHMANN, individually,
and on behalf of a class of similarly
situated individuals,
*Plaintiff,***

v.

FORD MOTOR COMPANY,
Defendant.

6:21-CV-00610-ADA-JCM

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 94. The Report recommends that this Court deny Plaintiff's Motion to Certify class, to Appoint Class representative, and to Appoint Counsel. The Report and Recommendation was filed on August 25, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on September 8, 2023. ECF No. 96 The Court has conducted a *de novo* review of the Plaintiff's Motion to Certify Class, to Appoint Class Representative, and to Appoint Counsel (ECF No. 72), the responses, the report and recommendation (ECF No. 94), the objections to the report and recommendation (ECF No. 96), and the applicable laws. After that


thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 94 is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FINALLY ORDERED that Plaintiff's Motion to Certify Class, to Appoint Class Representative, and to Appoint Counsel (ECF No. 72) is **DENIED** in accordance with the Report and Recommendation.

SIGNED this 20th day of September, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE